

43<sup>RD</sup> ANNUAL

WILLIAM W. GIBSON, JR.

**MORTGAGE LENDING INSTITUTE**

September 24–25, 2009  
Four Seasons Hotel  
Austin, Texas

October 8–9, 2009  
Belo Mansion  
Dallas, Texas

November 12–13, 2009  
Norris Conference Center  
CityCentre  
Houston, Texas  
 Video Replay

Earn up to 13.50 Hours of MCLE Credit including 2.00 Hours of Ethics Credit

Specialization Credit Approved for Real Estate Law

9 Hours of General Elective TREC and 10 Hours of TDI Credit Available

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**THURSDAY MORNING**

**Presiding Officer:**  
**Richard L. Spencer, Houston, TX**

**8:00 a.m. Registration Opens**  
Includes continental breakfast.

**8:50 a.m. Welcoming Remarks**

**9:00 a.m. .75 hr including .25 hr ethics**

**Case Law Update: Part I**

A selection of cases covering a number of topics related to real estate and finance, including mortgages and foreclosures, promissory notes, guaranties, usury, vendors and purchasers, DTPA, construction issues, ethical issues, and more.

David A. Weatherbie, Dallas, TX

**9:45 a.m. .75 hr**

**Conventional Loan Workouts**

A dialogue about the perspectives of lenders and borrowers with respect to some issues that are usually encountered in a loan workout transaction. This session covers the “dance” involved between lenders and borrowers in negotiating a successful workout. Key issues include paydown/more collateral, higher interest (and a floor), and shorter extension terms.

J. Cary Barton, San Antonio, TX

Reid Carroll Wilson, Houston, TX

**10:30 a.m. Break**

**10:45 a.m. .75 hr**

**Securitized Loan Workouts**

This session explores issues surrounding the restructuring of commercial real estate loans owned by a commercial mortgage backed securities (CMBS) trust.

Craig Barton Anderson, Dallas, TX

Allen J. Dickey, Dallas, TX

**11:30 a.m. .75 hr**

**Legislative Update**

Significant bills of the 81st Texas Legislature affecting real estate, lending, and other commercial matters.

In Austin: Justin V. Switzer, Houston, TX

In Dallas: Anne Newtown, Houston, TX

**THURSDAY AFTERNOON**

**Presiding Officers:**

**In Austin: Brian C. Rider, Austin, TX**

**In Dallas: Kevin M. Kerr, Dallas, TX**

**LUNCHEON PRESENTATION**

**12:15 p.m. Pick up Box Lunch**

Included in conference registration fee.

**12:30 p.m. .75 hr**

**State of the Real Estate Financial Market**

This session provides an overview of the current state of the real estate capital markets. Topics include debt and equity markets, a discussion of recent activities of various capital providers, and the effects on commercial real estate.

Jay C. Hartzell, Austin, TX

**1:15 p.m. Break**

**1:30 p.m. .50 hr**

**Enforcement of Completion Guaranties**

Issues in the drafting and enforcement of guaranties of completion for construction projects.

Robert S. Ladd, Houston, TX

**2:00 p.m. .75 hr**

**Negotiating Liability Limitation Provisions for Promissory Notes and Guaranties**

This presentation reviews commonly used liability limitation concepts in mortgage loans, such as non-recourse provisions (with carve-out exceptions) and so-called “top percent” guaranties, and offers suggestions for negotiating the loan documents that include those concepts.

James H. Wallenstein, Dallas, TX

**2:45 p.m. .50 hr**

**Lender Remedies (Other Than Foreclosure)**

Extraordinary remedies for extraordinary times—receivership, injunction, garnishment, eviction and ...

Thomas M. Whelan, Dallas, TX

**3:15 p.m. Break**

**3:30 p.m. .75 hr including .25 hr ethics**

**Foreclosure Changes 2009**

Coverage of the Tex. R. Civ. P. 735 and 736 home equity, home equity line of credit, reverse mortgage and property tax lien foreclosure rules and recent federal and state law affecting the foreclosure process, including ethical considerations.

Tommy Bastian, Addison, TX

**4:15 p.m. .50 hr**

**Personal Property Foreclosures**

This session reviews the impact of Rev. Ch. 9 on garnishment and other actions to realize on a debtor's deposit account, and presents an overview of the default and enforcement provisions in Subchapter F, Rev. Section 9.601-9.628.

David P. Derber, Benbrook, TX

**4:45 p.m. .50 hr**

**Acquisitions of Distressed Debt**

Whether you are buying mortgage loans to hold with the expectation of repayment, as a means of investing in the borrower, or in order to foreclose and take title to the underlying real estate, there are certain legal and business risks you need to understand and either accept or avoid through third party assurances. This presentation discusses these risks and suggests strategies for mitigating them.

Ann M. Saegert, Richardson, TX

**5:15 p.m. Adjourn**

## FRIDAY MORNING

### Presiding Officers:

In Austin: Paul D. Pruitt, Austin, TX

In Dallas: Robert A. Watson, Dallas, TX

### 8:00 a.m. Conference Room Opens

Includes continental breakfast.

### 8:30 a.m. .75 hr including .25 hr ethics

#### Case Law Update: Part II

Continuation of the Case Law Update.

David A. Weatherbie, Dallas, TX

### 9:15 a.m. .50 hr

#### RESPA: Big Changes

This presentation provides an overview of the new RESPA provisions with annotated forms to facilitate implementation.

Chris Alexander Peirson, Dallas, TX

### 9:45 a.m. .50 hr including .25 hr ethics

#### Where is the Note?

Review of requirement of possession of original negotiable instrument.

Paul D. Pruitt, Austin, TX

### 10:15 a.m. Break

### 10:30 a.m. .50 hr

#### Residential Mortgage Suitability Standards: An Idea Whose Time Has Come Or Has Come Too Far?

The residential mortgage crisis has spurred efforts by legislatures and regulatory agencies to regulate mortgage loan product offerings by mortgage loan originators, particularly mortgage brokers. This topic discusses how investment product suitability standards which originated in the securities industry are morphing into the residential mortgage loan business. The topic also surveys federal and state developments, including legislation introduced in the 2009 legislative session.

John Charles Fleming, Austin, TX

### 11:00 a.m. .50 hr

#### "Short Sales," Deeds in Lieu, and Other Alternatives to Foreclosure

Includes modifications, renewals, and extensions, as well as the new TREC form.

Sara E. Dysart, San Antonio, TX

### 11:30 a.m. .75 hr

#### Bankruptcy Issues in Workouts and Foreclosures

A panel discussion among real estate and bankruptcy lawyers demonstrates the interplay between real estate, finance and bankruptcy laws in loan workouts and foreclosure scenarios in this latest downturn.

##### Moderator:

Edward F. Walker, Dallas, TX

##### Panelists:

Gregory G. Hesse, Dallas, TX

Lynnette R. Warman, Dallas, TX

## FRIDAY AFTERNOON

### Presiding Officers:

In Austin: Glenn Hall, Austin, TX

In Dallas: Harriet Anne Tabb, Dallas, TX

## LUNCHEON PRESENTATION

### 12:15 p.m. Pick up Box Lunch

Included in conference registration fee.

### 12:30 p.m. .75 hr

#### Making Alphabet Soup in Washington: TARP, TALF, and PIPP

An overview focused on the practical application of the programs related to the Emergency Economic Stabilization Act of 2008, and how those programs relate to the commercial lending and servicing communities.

Jan Sternin, Washington, DC

### 1:15 p.m. Break

### 1:30 p.m. 1.00 hr ethics

#### What Would Lincoln Do?

Competence, diligence, and getting paid: Lincoln's lessons for today's ethical lawyer.

Billie J. Ellis Jr., Dallas, TX

Co-Author: William T. Ellis, Cambridge, MA

### 2:30 p.m. .50 hr

#### Will There Still Be a There There After Foreclosure?

A checklist of insurance issues arising prior to and during foreclosure.

Aaron Johnston Jr., Dallas, TX

### 3:00 p.m. .50 hr

#### Proposed Title Insurance Rules Regarding Minerals Coverage

The history and status of rule changes on minerals coverage available in title insurance policies pending before the Texas Department of Insurance.

Frederick J. Biel, McAllen, TX

### 3:30 p.m. Adjourn

## COMMENTS FROM PAST MORTGAGE LENDING INSTITUTES

"This continues to be the best seminar I attend in terms of quality, substance, consistency, speakers and organization."

"Overall, an excellent program."

"As usual, topics were particularly relevant and important this year."

"I have been attending this seminar for 15 years and this one was possibly the best overall version of the seminar. The speakers and topics were exceptional."

"Excellent program."

"This is truly a very good seminar."

## ABOUT THE COVER



"Chair Factory" is a 38.75" x 44.75" collage on board by Lance Letscher. For more information, visit [www.dbermangallery.com](http://www.dbermangallery.com).

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Houston, TX

*\*Presiding Officer*

## HOW TO REGISTER

### Mail your registration to:

The University of Texas  
School of Law  
Attn. CLE—ML09  
P.O. Box 7759  
Austin, TX 78713-7759

**Or fax to:**  
512-475-6876

**Or register online:**  
[www.utcle.org](http://www.utcle.org)

**Questions? Call us at 512-475-6700**

## YOUR ONLINE ACCOUNT BENEFITS

Don't miss out on **special benefits**—take advantage of your online account.

Conference registrants with on-line accounts have access to all PowerPoint presentations and late papers—a few days after the conference—using the Lookback feature.

In addition, all conference sessions are available (30 days after the program) in your member account as online courses—so you can claim full participatory credit for any sessions you may have missed at the live conference.

If you don't already have an online account, sign up today.

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Mail this registration form to:

The University of Texas School of Law, Attn. CLE—ML09  
P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: (512) 475-6876

### PLEASE PRINT CLEARLY

Bar Card# \_\_\_\_\_ ☐ TX ☐ Other State: \_\_\_\_\_ ☐ N/A

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City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Registrant's Email (required) \_\_\_\_\_

Assistant's Email (optional) \_\_\_\_\_

*Invoices, confirmations and receipts are emailed to these addresses.*

### REGISTRATION:

Includes Course Binder and Thursday and Friday Box Lunch Presentations

- ☐ AUSTIN—September 24–25, 2009
- ☐ Early Registration Fee due by September 16, 2009 ..... \$525.00
- ☐ Registration Fee after September 16, 2009 ..... \$575.00
- ☐ DALLAS—October 8–9, 2009
- ☐ Early Registration Fee due by September 30, 2009 ..... \$525.00
- ☐ Registration Fee after September 30, 2009 ..... \$575.00
- ☐ HOUSTON Video Replay—November 12–13, 2009
- ☐ Early Registration Fee due by November 4, 2009 ..... \$425.00
- ☐ Registration Fee after November 4, 2009 ..... \$475.00

### CONFERENCE PUBLICATIONS AND MEDIA

*Allow 2–4 weeks from the conference date for delivery.*

- ☐ Course Binder Without Conference Registration ..... \$250.00  
Note: Conference registration includes Course Binder.
- ☐ DVD Set (with eBinder) ..... \$275.00
- ☐ Audio CD Set ..... \$175.00
- ☐ eBinder on CD (PDF format) ..... \$250.00/\$50.00  
(\$250 purchased alone, \$50 with registration or purchase of Course Binder, Audio CD Set or DVD Set)

### IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.

*Allow 2–4 weeks from the conference date for delivery.*

- ☐ In-House CLE for 2—Includes DVD Set and Course Binder ..... \$800.00
- \_\_\_\_\_ Add participants (includes Course Binder) for \$250 each ..... \$ \_\_\_\_\_

TOTAL ENCLOSED ..... \$ \_\_\_\_\_

### METHOD OF PAYMENT

- ☐ Check (make checks payable to: The University of Texas at Austin)
- ☐ VISA or ☐ MasterCard (sorry, no AMEX or Discover)

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WILLIAM W. GIBSON, JR. MORTGAGE LENDING INSTITUTE

Austin ■ Dallas ■ Houston

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School of Law

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for more information

## AUSTIN

SEPTEMBER 24–25, 2009

### CONFERENCE LOCATION



**Four Seasons Hotel**  
98 San Jacinto  
Austin, TX 78701  
512-685-8100

**Special Room Rate: \$235**  
good through August 31, 2009  
(subject to availability)

**Parking:** Valet \$13/day;  
\$7 Self-Parking available in  
parking garage across from hotel  
(subject to change)

### KEY DATES

**September 16, 2009, 5 p.m.**  
*last day for early registration*  
add \$50 for registrations  
received after this time

**September 18, 2009, 5 p.m.**  
*last day for full refund*

**September 21, 2009, 5 p.m.**  
*last day for partial refund*  
\$50 processing fee applied

**September 24, 2009, 9 a.m.**  
*conference begins*

## DALLAS

OCTOBER 8–9, 2009

### CONFERENCE LOCATION



**Belo Mansion**  
2101 Ross Avenue  
Dallas, TX 75201  
214-220-0239

**Parking:** Self-parking \$5 (before 9 a.m.),  
\$8 (after 9 a.m.)  
(subject to change)

**Nearby Accommodations:** Fairmont Hotel  
1717 N. Akard St.  
Dallas, TX 75201  
214-720-5290

### KEY DATES

**September 30, 2009, 5 p.m.**  
*last day for early registration*  
add \$50 for registrations  
received after this time

**October 2, 2009, 5 p.m.**  
*last day for full refund*

**October 5, 2009, 5 p.m.**  
*last day for partial refund*  
\$50 processing fee applied

**October 8, 2009, 9 a.m.**  
*conference begins*

## HOUSTON

NOVEMBER 12–13, 2009

### VIDEO REPLAY LOCATION

**Norris Conference Center,  
CityCentre**  
803 Town & Country Blvd.  
Houston, TX 77024  
713-590-0950

**Parking:** Free  
(subject to change)

### KEY DATES

**November 4, 2009, 5 p.m.**  
*last day for early registration*  
add \$50 for registrations  
received after this time

**November 6, 2009, 5 p.m.**  
*last day for full refund*

**November 9, 2009, 5 p.m.**  
*last day for partial refund*  
\$50 processing fee applied

**November 12, 2009, 9 a.m.**  
*video replay begins*

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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.50 hours, of which 2.00 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).